Appl. No. 09/616,714
Amdt. dated April 28, 2006
Reply to Office Action of December 28, 2005

REMARKS/ARGUMENTS

Claims 1-4, 7-11 and 14-38 are pending in this application. Claims 5, 6, 12

and 13 were previously canceled. Claims 22-37 were previously withdrawn from

consideration without prejudice. No amendments are presented herewith.

Applicant respectfully requests reconsideration in view of the following remarks.

I.   <u>Rejection of Claims 1-4, 8-11, 15-21 and 38 Based on 35 U.S.C. § 103(a)</u>

The Examiner has rejected claims 1-4, 8-11, 15-21, and 38 under 35 USC

§103(a) as being unpatentable over U.S. Patent 6,263,317 ("Sharp") in view of U.S.

Patent 6,141,666 ("Tobin"). Referring to claim 1, and as applied to independent

claims 8, 17 and 38, the Examiner states:

> Sharp does [not] explicitly disclose modifying
> responses from said merchant computer system to said client
> computer system at said vendor computer system thereby
> controlling information exchange between said merchant
> computer system and said client computer system through said
> vendor computer system.
> Tobin discloses a method for providing secure
> electronic commerce transactions with merchants comprising:
> * Modifying responses from said merchant computer system
>   to said client computer system at said vendor computer
>   system thereby controlling information exchange
>   between said merchant computer system and said client
>   computer system through said vendor computer system
>   (Tobin: at least column 3, lines 15-37 and column 5,
>   line 46 to column 6, line 3);

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- Wherein modifying response from said merchant computer
  system comprises:
  - o Modifying merchant content obtained from said
    merchant computer system to redirect one or more
    hyper-text elements to said vendor computer
    system (Tobin: at least column 3, lines 23-37);
    and
  - o Reframing said merchant content as a web page of
    said vendor computer system (Tobin: at least
    column 5, line 46 to column 6, line 3); and
  - o Wherein transmitting said transaction information
    comprises transmitting said web page of said
    vendor computer system to said client computer
    system (Tobin: at least column 5, line 46 to
    column 6, line 3).

    At the time the invention was made, it would have
  been obvious to a person of ordinary skill in the art
  to have modified the system of Sharp to have included
  the teachings of Tobin as discussed because there is a
  need for customized marketing of consumer services
  through hypertext based communications wherein the
  content of the hypertext based communications is
  dynamically customized to take advantage of a
  consumer's familiarity with a specific Internet site
  marketing partner (Tobin: column 2, lines 50-55).

Applicant respectfully disagrees for at least the following reasons. Tobin

does not teach or suggest modifying responses from a merchant computer

system to a client system at a vendor system, nor does Tobin allow for a user at a

client computer system to select and purchase, via the vendor computer system,

items listed in a merchant computer system without the user having direct access

to the merchant computer system.

    According to the teachings of Tobin, when a client is connected to a

vendor website (e.g., "homearts.com") and the client selects a link to a second

vendor/merchant's website (e.g., "pcflowers.com"), the client leaves the initial

vendor's site (the referral site) and connects to the network server providing the

second vendor/merchant's webpages. The network server tracks the identity of

the referring vendor site and customizes the webpages of the second

vendor/merchant to provide co-branding with the referring vendor or private

labeling of the referring vendor. Customization is performed by the second

vendor/merchant's network server at the time of webpage generation, using

parameters obtained from embedded tokens within the HTML files. The

customized webpages are served directly to the client from the network server.

The referring vendor system ("homearts.com") does not participate in the

communication between the network server ("pcflowers.com") and the client,

after the client activates the link to the network server. There is no mechanism

described by which responses from the network server to the client might be

modified at the referring vendor system, nor is there any way for the client to

select and purchase, via the referring vendor system, items listed on the network

server without the client having direct access to the network server.

In contrast, the embodiments of the present invention recited in

independent claims 1, 8, 17 and 38, modify responses from a merchant computer

system to a client system *at a vendor system* thereby controlling information

exchange between said merchant computer system and said client computer

system *through said vendor computer system*. The vendor system remains between

the client and the merchant computer system, and the vendor system modifies

and reframes the merchant content for transmission to the client.

For at least the foregoing reasons, Applicant submits that Sharp and

Tobin, either alone or in combination, do not teach or suggest the embodiments

of the invention as set forth in independent claims 1, 8, 17 and 38; therefore,

claims 1, 8, 17 and 38 are allowable over the cited art. Dependent claims 2-4, 7, 9-

11, 14-16, and 18-21, being dependent upon respective allowable base claims, are

also allowable for at least the foregoing reasons.

II.   Rejection of Dependent Claims 7 and 14 Under 35 U.S.C. § 103(a)

The Examiner has rejected dependent claims 7 and 14 under 35 U.S.C. §

103(a) as being unpatentable over Sharp in view of Tobin in further view of

Fergerson (U.S. Patent No. 5,966,697). Applicant respectfully disagrees. Claims 7

and 14, being dependent upon allowable base claims, are themselves allowable

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for at least the foregoing reasons provided with respect to independent claims 1

and 8 above.

III.   <u>Conclusion</u>

For at least the foregoing reasons, Applicant submits that the Examiner's

rejections have been obviated, and that pending claims 1-4, 7-11, 14-21 and 38 are

allowable. Applicant respectfully requests that a timely Notice of Allowance be

issued in this case.

                               Respectfully submitted,

                               THE HECKER LAW GROUP

Date: <u>April 28, 2006</u>   By: _____
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